

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICIA ASHTON DERGES,

Defendant.

No. 21-CR-03016-01-BCW

ORDER OF WITNESSES AND PROOF

COMES NOW the United States of America, by the United States Attorney for the Western District of Missouri, and the undersigned Assistant United States Attorneys and does hereby declare to the Court its intended order for witnesses and proof. This list is submitted to provide an aid to the Court and the defendant as to the order of witnesses and the submission of evidence, with the exhibits pre-marked, which the government believes will be introduced in this case. By submitting this list, the United States does not mean to limit itself to calling only the witnesses listed or seeking the submission of only the listed exhibits if circumstances arise that require the United States to call other witnesses or submit other exhibits which have already been made known to the defendants.

1. Jodi Schmitt, Professional Accounting and Tax

Exhibits:

- 75. March 28th 2020, Derges and Schmitt e-mail exchange
- 76. April 4, 2020, Derges e-mail to Schmitt
- 77. April 5, 2020, Derges e-mail to Schmitt
- 78. April 8, 2020, Derges e-mail to Schmitt

- 79. April 20, 2020, Derges and Schmitt email exchange (2 pages)
- 80. October 27, 2020, Derges email to Schmitt
- 81. October 27, 2020, Schmitt email to Schroeder (2 pages)
- 82. January 9 - 10 2021, Schmitt and Derges email exchange (2 pages)
- 83. December 3, 2020, Derges and Schmitt email exchange (2 pages)
- 84. January 23, 2021, Derges and Schmitt email exchange with attachments (6 pages)
- 85. January 23, 2021, Derges email to Schmitt (2 pages)
- 86. March 16, 2021, Derges email to Schmitt (2 pages)
- 87. March 25, 2021, Schmitt email to Derges with attachments (5 pages)
- 88. October 7, 2020, Derges email to Schmitt email with attachments (7 pages)
- 93. 2019 Tax Return Documents (LIFT UP SOMEONE TODAY - Client Copy)-signed (33 pages)
- 94. OVMC Financials (Excel Spreadsheet)
- 95. 2020 Lift Up Budget
- 96. 2020 OVMC Profit and Loss by Clinic (3 pages)
- 98. 2020 OVMC Draft Taxes provided to Jodi Schmitt (3 pages)
- 99. 2019 Derges Tax Return provided to Jodi Schmitt (53 pages)
- 112. December 1, 2020, Derges email to Schmitt with attachments (10 pages)
- 113. September 29, 2020, Derges email to Schmitt with attachments (3 pages)
- 114. February 4 – 5, 2021, Derges and Schmitt emails with attachment (4 pages)
- 195. Derges e-mail to Jodi Schmitt July 8, 2021 (8 pages)
- 232. OVMC Financials 2020 Decker and DeGood (4 pages)

2. Susan Reynolds, Decker and DeGood CPA

Exhibits

- 132. OVMC 2018 Amended Schedule C (3 pages)

- 133. 2018 Schedule C Derges July - October 2018 Derges Reynolds E-mail Exchange (5 pages)
- 175. 2014 – 2019 OVMC Schedule C (25 pages)
- 187. Susan Reynolds and Patricia Derges E-mails 2020 taxes (3 pages)
- 196. Derges e-mail to Susan Reynolds August 6, 2021 (1 page)
- 229. 2020 OVMC Schedule C – Stamped Draft (3 pages)
- 230. 2020 OVMC Schedule C – No Draft (3 pages)
- 231. Derges e-mail to Reynolds OVMC 2020 Financials

3. Terri Brown, Great Southern Bank

Exhibits

- 92. Great Southern Bank Records (1916 pages)
- 211. Great Southern Bank Business Records Affidavits (4 pages)

4. Karen Fackler, Dynamic DNA

Exhibits

- 63. OVMC Dynamic DNA Contract (2 pages)
- 64. OVMC Dynamic DNA Contract Amendment (2 pages)
- 65. OVMC Requisition Forms (5679 pages)
- 66. Dynamic DNA OVMC_Test_Log 1 (Excel Spreadsheet)
- 67. Dynamic DNA Invoices (11 pages)
- 144. Dynamic DNA Test Results OVMC (7653 pages)
- 207. Dynamic DNA OVMC_Test_Log 2 (Excel Spreadsheet)

5. Michael Effland, FBI

Exhibits

- 1. Lift Up Corporation (5 pages)

2. Lift Up 501(c)(3) Letter of Determination (2 pages)
3. Lift Up Someone Today Annual Registration (2 pages)
4. Patricia Derges DBA Lift Up Someone Today
5. Lift Up Someone Today DBA Lift Up Springfield
6. Ozark Valley Medical Clinic, LLC Articles of Organization (3 pages)
7. Ozark Valley Medical Clinic, LLC Operating Agreement Bancorp South (9 pages)
8. MO Board of Healing Arts Derges Applications (58 pages)
9. MO Board of Healing Arts Derges License (1 page) 63-OVMC Dynamic DNA Contract (2 pages)
10. Dr. Van Kirk Collaborative Practice Agreement (4 pages)
11. August 28, 2014, BHA 334.036 (4 pages)
13. April 28, 2022, Derges Phone Call Recording
15. Derges-OT (lhamblen@kolr10.com)
16. Tricia Derges FB About Me Section (2 pages)
17. November 18, 2019 Tricia Derges FB True Stem Cells Work
18. January 3, 2020, OVMC FB Stem Cell Seminar
19. January 14, 2020, Tricia Derges FB IV Stem Cells
20. March 11, 2020, OVMC FB Free Stem Cell Educational Seminar (3 pages)
21. March 15, 2020, OVMC FB Free Stem Cell Educational Seminar (2 pages)
22. March 21, 2020 OVMC FB Possible Solution for Corona (4 pages)
23. March 21, 2020 Tricia Derges FB Possible Solution for Corona (3 pages)
24. Facebook Screen Capture 1 – Stem Cells and Covid (3 pages)
25. Facebook Screen Capture 2 – Mesenchymal Amniotic Stem Cells

- 26. Facebook Screen Capture 3 – OVMC Stem Cell Educational Seminar and Dinner
- 27. March 23, 2020, Tricia Derges FB Exciting News (2 pages)
- 28. April 11, 2020, Tricia Derges FB This is really exciting (2 pages)
- 29. Photograph OVMC Storefront
- 30. Photograph Stem Cell Billboard
- 31. Photograph OVMC Storefront Stem Cells
- 32. Photograph OVMC Ozark Clinic
- 33. Photograph OVMC Ozark Clinic Billboard
- 34. Photograph OVMC Storefront Other Services
- 42. April 14, 2020, Tricia Derges FB Post “Hi Anita”
- 46. FB Lynn Morris Screen Capture (7 pages)
- 56. AF Patient Records Combined.pdf (312 pages)
- 57. Regenerative Biologics Wholesale Price List
- 61. OVMC About Us 2021-3-11
- 70. State Bank of Southwest Missouri Records (54 pages)
- 89. Patricia Derges Interview 05/13/2020
- 101. FB Stem Cell Seminar video_2825931870793485
- 111. 20 CSR 2150-2.240 AP Collaborative Practice Agreements (4 pages)
- 115. 08.28.2017 BHA 334.036 (4 pages)
- 116. 07.06.2018 BHA 334.036 (4 pages)
- 117. 8.28.2015 BHA 334.037 (6 pages)
- 118. 08.28.2018 BHA 334.037 (7 pages)
- 119. 8.28.2019 BHA 334.037 (7 pages)

- 120. OVMC Website 4-29-2020 (7 pages)
- 128. Lift Up Springfield Storefront Photograph
- 129. Lift Up Website - Home
- 130. Lift Up Website - How We Started
- 154. OVMC Affidavit (10 pages)
- 173. AF Cost Comparison- Summary Chart
- 174. OVMC Acct 4503 Financial Trends 2014 – February 2021 Summary Chart
- 176. 1_MSCs in AF.mp3
- 177. 5_Stem Cells v PRP.mp3
- 178. 2_MSCS in Amniotic Fluid.mp3
- 179. 6_Regular part of practice.mp3
- 180. 3_AF Stem Cell.mp3
- 182. 8_Do not prescribe C2.mp3
- 183. 9_Explanation afterwards.mp3
- 185. Derges Interview Transcript May 5, 2020, Part 1 (164 pages)
- 186. Derges Interview Transcript May 5, 2020, Part 2 (99 pages)
- 188. FB Stem Cell Educational Seminar Transcript (52 pages)
- 203. Derges Interview FBI Recording 05/05
- 204. Derges Interview HHS Recording 05/05
- 205. Graph of OVMC Balance During Covid-19 Testing
- 206. Graph of OVMC Tests and Deposits
- 220. KOLR 10 Video Transcript (13 pages)
- 233. OVMC 2020 Filed Tax Returns (25 pages)

- 234. LUS 2020 Filed Tax Returns (32 pages)
- 236. Tax Return Comparison Charts (4 pages)
- 237. Stem Cell Seminar Slide
- 238. Stem Cell Seminar Slide
- 239. Stem Cell Seminar Slide
- 240. Stem Cell Seminar Slide
- 241. OVMC Storefront Doors
- 254. Metro Credit Union Records (38 pages)
- 259. August 25, 2021 email Abacus
- 260. October 2, 2021 email Abacus
- 261. October 7 – 8, 2021 email Abacus
- 262. October 12, 2021 email Abacus
- 263. October 13, 2021 email Abacus
- 264. October 27, 2021 email Abacus
- 265. October 28 – 29, 2021 email Abacus (2 pages)
- 266. November 8, 2021 email Abacus
- 267. November 10 – 11, 2021 email Abacus (2 pages)
- 268. November 14 – 15, 2021 email Abacus (7 pages)
- 269. OVMC Expenses Abacus
- 270. LUS 501 Application Abacus (30 pages)
- 271. LUS 501 Articles of Inc. Abacus (4 pages)
- 272. LUS Bylaws Abacus (8 pages)
- 273. LUS EIN 501 C3 Abacus (7 pages)

274. OVMC LLC Operating Agreement Abacus (9 pages)

276. May 13, 2020, Derges Phone Call Recording

6. Jan Pierce, University of Utah

Exhibits

36. University of Utah Website – Amniotic Fluid Page

37. University of Utah Package Insert – Amniotic Fluid Allograft

38. January 20, 2019 Derges Email to Pierce Re Cytogistics LLC and Attachment (34 pages)

39. March 2, 2019 Derges Email to Pierce Sharing Information for Processed Human Amniotic Fluid (3 pages)

40. Article referenced in March 2, 2019 emails (9 pages)

41. January 29, 2020 Derges and Pierce email chain Re Order (2 pages)

43. March 17, 2020 email from Derges to Pierce COPD Patient and Order (4 pages)

44. May 13, 2019 Pierce Response to Derges RE Our Branson Guy and Attachment (9 pages)

45. March 30, 2019 Derges email to Pierce Hello (3 pages)

47. August 26, 2019 Pierce to Derges Email in Response RE Finalizing for Show (3 pages)

48. May 14-15, 2019 Derges and Pierce email chain Re “Stem Cell” meeting tonight (3 pages)

49. April 27- 28, 2020 Woodard and Derges email chain FW Another (ADDITION) 2nd PO for Reg Biologics (3 pages)

51. Derges Text to Pierce Pain Week Pic

52. Validation Study (14 pages)

53. OVMC Contract with Utah (18 pages)

54. UTAH OVMC TURS (110 pages)

- 55. UTAH Invoices and Packing Slips to OVMC (64 pages)
- 122. Pierce et al. Collection and characterization of amniotic fluid (14 pages)
- 123. Are Amniotic Fluid Products Stem Cell Therapies_ A Study of Amniotic Fluid Preparations for Mesenchymal Stem Cells With Bone Marrow Comparison 2019 (6 pages)

7. Dr. Luke Van Kirk, Springfield, Missouri

Exhibits

- 121. Regen Charts Provided by Derges to Van Kirk (37 pages)
- 124. May 11 - 12, 2020 Van Kirk Derges Email Exchange Re Requested Clinical Trial Application
- 125. June 25 - June 26, 2020 Van Kirk Derges Email Exchange Re Charts
- 126. July 6, 2020 Van Kirk Derges Email Exchange Re Patient Records Derges
- 127. July 15, 2020 Van Kirk Derges Email Re Patient Charts
- 197. October 5, 2018 e-mail chain with Dr. Luke Van Kirk - Clinics in Surrounding Areas (10 pages)
- 198. March 19, 2019 e-mail chain with Dr. Luke Van Kirk - License Info (7 pages)
- 199. February 8, 2021 e-mail chain with Dr. Luke Van Kirk - Lift Up Board
- 200. February 8, 2021 e-mail chain with Dr. Luke Van Kirk - Lift Up Board - Remove Name
- 201. July 22, 2019 e-mail chain with Dr. Luke Van Kirk - EMR Login (2 pages)
- 202. December 5, 2018 e-mail chain with Dr. Luke Van Kirk - EMR (6 pages)

8. Meghan Ramey, Ozark, Missouri

Exhibits

- 50. Photograph Derges Pain Week
- 90. Meghan Ramey Recording of Derges Stem Cell Seminar

- 134. Derges email to Ramey Re Newsletter (3 pages)
- 184. Meghan Ramey Stem Cell Seminar Recording Transcript (70 pages)
- 191. Meghan Ramey Pain Week Cards and Nametag

9. Dr. Leigh Turner, University of California-Irvine

10. Sharon Samuelson, Ozark, Missouri

Exhibits

- 12. Derges Business Card (2 pages)
- 35. Samuelson's Payment to OVMC
- 158. Derges Business Cards - Samuelsons
- 159. OVMC Literature - Samuelsons
- 160. OVMC Appreciation Certificate - Sameulsons
- 161. OVMC Invoice - Samuelsons
- 162. Lift Up Brochure – Samuelsons (2 pages)
- 163. OVMC Brochure – Samuelsons (2 pages)
- 164. Care Credit – Samuelsons (12 pages)

11. Michael Samuelson, Ozark, Missouri

12. Dr. Daniel Weiss, University of Vermont

13. Alan Miller, Shell Knob, Missouri

Exhibit

- 278. COPD Stem Cell

14. Dr. Fernando Fierro, University of California-Davis

15. Deborah Baker, Rogersville, Missouri

Exhibits

107. D.B. Receipt 1

108. D.B. Receipt 2

16. John Kowalczyk, Republic, Missouri

Exhibits

109. Kowalczyk Billing Statement December 2019 (4 pages)

110. Kowalczyk Billing Statement October 2019 (4 pages)

131. Care Credit Letter to J.K. with Enclosures

17. Dr. Amy Lockhart, Camdenton, Missouri

18. Russell Gaddie, Nixa, Missouri

Exhibit

279. Derges Regenerative Medicine Flyer19. **Scott Osborne, Norwood, Missouri**

Exhibits

155. Scott Osborne Invoice 2

156. Scott Osborne Invoice 1

157. Scott Osborne Invoices

20. Dr. Ramya Pakala, Arlington, Virginia

Exhibits

147. Ramya Pakala Assistant Physician License

149. Ramya Pakala OVMC Contract (6 pages)

150. Ramya Pakala Collaborative Practice Agreement

21. Dr. James Kaler, St. Louis, Missouri

22. Dr. Hussain Dalal, Poughkeepsie, New York

Exhibits

- 102. March 19, 2020, Staff email Christian County COVID Cases (3 pages)
- 103. November 25, 2019, email to Staff very important information Dr. Derges
- 104. March 21, 2021, Derges Email Update info and Protocol Reminders (5 pages)
- 255. 03.02.2020 Derges E-mail to Pakala, Dalal, Kaler, et. al (2 pages)
- 23. Kory Klein, Springfield, Missouri**
- 24. Paxton Vinyard, Shell Knob, Missouri**
- 25. Bailey Humble, Highlandville, Missouri**
- 26. Jeremy Bloxson, Capital One**
Exhibit
277. Capital One-D.B. Transactions
- 27. Nino Palana, Practice Fusion**
Exhibit
97. Practice Fusion Records (Excel Spreadsheet)
- 28. Al Jackson, Surescripts**
Exhibit
105. Surescripts Rx Transmission Spreadsheet (Excel Spreadsheet)
- 29. Tom Squires, Walmart**
Exhibits
14. Walmart Paper Prescriptions (6 pages)
58. Walmart Prescriptions PV KK BH (11 pages)
- 30. Kevin Kline, DEA**
Exhibits
59. 21 C.F.R. 1308.12 Schedule II (6 pages)

- 141. Hussain Dalal Non-Registration - COR (002)
- 142. James Kaler Certificate of Registration
- 145. Derges DEA Registration
- 146. Ramya Pakala Non-Registration – COR
- 148. FD7329851 PATRICIA DERGES 224A (3 pages)
- 151. Patricia Derges - COR 2 - DRRC-21-027 (2 pages)
- 31. Melissa Klutts, U.S. Bank**
- 32. Ron Henderson, Synchrony Bank (Care Credit)**
 - Exhibits
 - 138. Care Credit Transaction Report – John Kowalczyk (8 pages)
 - 245. Synchrony/Care Credit Dispute Documents – J.K.(8 pages)
- 33. Lucy Arnaud, Yahoo**
- 34. Dr. Scott McRae, Cassville, Missouri**
- 35. Amber Bryant, Christian County Director of HR**
 - Exhibits
 - 136. Christian County OVMC Vendor Report (3 pages)
 - 140. Christian County Employee Covid Test Spreadsheet (Excel Spreadsheet)
- 36. Adam Holbrook, Northstar Battery**
 - Exhibits
 - 135. OVMC North Star Battery Invoices (27 pages)
 - 139. North Star Battery OVMC Invoices (47 pages)
- 37. Gina Low, Springfield, Missouri**
 - Exhibit

275. G.L. Bank Statement – OVMC Payment (6 pages)

38. Keith Shelton

Exhibit

137. Keith Shelton Covid Test Payment Bank Statement

39. Dr. Lyle Foster, Greene County

Exhibits

68. CARES Act Application submission certification

69. Lift UP Cares Act Application and Award (29 pages)

71. September 30, 2020 Advisory Committee Minutes (7 pages)

73. December 4 Email from Derges to Foster Re Excel Template for Expenditures with attachments (11 pages)

193. Greene County Cares Relief Information Sheet (3 pages)

194. Greene County Cares Application Instruction Guide (4 pages)

40. Keith Ray Mackie, Greene County

Exhibit

72. Not-For-Profit Committee Recommendation to Greene County

41. Cindy Waites, Greene County

Exhibits

189. CARES Non-Profit Subcommittee Meeting-20200921 1327-1.mp4

190. CARES Citizen Advisory Council Funding Decision Meeting-20200930 2152-1.mp4

42. Cindy Stein, Greene County

Exhibit

74. December 21, 2020, Crews and Derges email exchange with attachments (5 pages)

43. Bob Dixon, Greene County

Exhibits

- 60. Patricia Derges and Bob Dixon Photograph
- 62. Derges to Bob Dixon Text Message April 2021 (8 pages)
- 106. Bob Dixon and Patricia Derges emails and text messages (24 pages)
- 143. October 5, 2018, Bob Dixon Recommendation- Humanitarian of the Year
- 221. Derges Recorded Conversation with Bob Dixon
- 222. Derges Recorded Conversation with Bob Dixon Transcript

44. SA Teresa Dailey, HHS

Exhibits

- 91. Regenerative Biologics Website Cell Therapy Products (3 pages)
- 152. MO House Bill 584 (3 pages)
- 153. MO House Bill 916 (6 pages)
- 165. Bank Account Balance Lift Up – Summary Chart
- 166. Income to Lift Up January - August 2020 – Summary Chart
- 167. Lift Up Revenue 2018-2020 – Summary Chart
- 168. PPP Loan to Payments OVMC – Summary Chart
- 169. Rent Payroll Utilities OVMC Lift Up Mar – Sep 2020 – Summary Chart
- 170. Transfers to and from Lift Up 2018 – 2020 – Summary Chart
- 171. Dynamic DNA Tests Performed by Location – Summary Chart
- 172. Payments out of OVMC 2020 – Summary Chart
- 181. 7_Incontinence.mp3
- 192. Practice Fusion Chart Access – Summary Chart

- 219. Amex Records
- 223. FB Post Re Medical School (5 pages)
- 224. FB Post Re Medical School (3 pages)
- 225. FB Post Re Medical School Transcripts (2 pages)
- 226. FB Post Re Medical School Transcripts (3 pages)
- 227. Jefferson Awards Webpage (2 pages)
- 228. Jefferson Awards Recipients
- 235. Reimbursement Request to Money Received Comparison – Summary Chart
- 242. OVMC 2018 – 2020 Income Summary Chart
- 256. Blank Informed Consent Form

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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent e-mail notification of such filing to all CM/ECF participants in this case, and I hereby certify that I have mailed by United States Postal Service the foregoing documents to all non-CM/ECF participants in this case.

/s/ Randall D. Eggert
Randall D. Eggert
Assistant United States Attorney